IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

FRIDAY, THE 13TH JULY 2007 / 22ND ASHADHA 1929

CRP.No. 1719 of 1999(F)

(AGAINST THE ORDER OF THE TALUK LAND BAORD, KANAYANNUR IN CEILING CASE NO.M.2889/1992 DATED 24/06/1999)

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PETITIONER: DECLARANT:

BABY NELSON,
D/O.KUNJU VARKEY,
MADATHILPARAMBIL HOUSE,
VETTIKKAL P.O., MULANTHURUTHY.

BY ADV. SRI.N.N.SUGUNAPALAN (SR.)

RESPONDENTS:RESPONDENTS:

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1. **THE TALUK LAND BOARD, KANAYANNUR.**

2. **THE TAHSILDAR, KANAYANNUR.**

3. **STATE OF KERALA, REPRESENTED BY ITS CHIEF SECRETARY TO GOVERNMENT, GOVERNMENT SECRETARIAT, TRIVANDRUM.**

4. **ELIZABETH THOMAS,**
   D/O. KUNJU VARKEY, KALAPPURAKKAL HOUSE,
   KAKKAD, PIRAVOM P.O.

5. **VALSA JOY,**
   D/O.KUNJU VARKEY,
   MANDOLIPARAMBIL HOUSE, THUMBHAPADY,
   MULANTHURUTHY.

BY ADV. SRI.V.N.SWAMINATHAN for R4 & R5

THIS CIVIL REVISION PETITION HAVING BEEN FINALLY HEARD ON 13/07/2007 ALONG WITH CRP NO. 192 OF 2001, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

C.R.P.NO.1719/1999

ORDER ON C.M.P.NO.3616/1999 IN C.R.P.NO.1719/1999 F

DISMISSED

13/07/2007 **SD/- PIUS C. KURIAKOSE, JUDGE**

/TRUE COPY/

KSS

PIUS C. KURIAKOSE,J.

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C.R.P.Nos.1719 of 1999 & 192 of of 2001

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Dated: 13th July, 2007

ORDER

The order passed by the Taluk Land Board, Kanayanur in Ceiling Case No.M.2889/92 is impugned in these revision petitions filed by the legal heirs of the declarant and also by the Government. The grounds raised by the Government in C.R.P.No.192 of 2001 is that the Taluk Land Board was not justified in granting exemption for one acre and 38 cents under Section 84(1A) of the Land Reforms Act. The ground of the declarant is that the Taluk Land Board should have granted exemption to more extents. Learned counsel appearing for the parties also submitted that the implications of the Kerala Land Reforms (Amendment) Act, 2005 (Act 21 of 2006) will also have to be taken into account. Since the declarant as well as the Government is equally aggrieved by the order passed by the Taluk Land Board and since I feel that the new provisions introduced in the Kerala Land Reforms Act by Act 21 of 2006 can have some implications on the issue in question, I set aside the order of the Taluk Land Board and direct the Taluk Land Board to have a fresh decision with notice to all affected parties. Decision as directed above will be taken by the Taluk Land Board at the earliest. All the grounds raised in the C.R.Ps. by

the Government and also by the declarant will be taken due note while taking decision as directed above. The implications of the new provisions introduced in the Land Reforms Act by Act 21 of 2006 will also be considered by the Taluk Land Board.

The C.R.Ps. are disposed of as above. No costs.

srd **PIUS C.KURIAKOSE, JUDGE**